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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 11cr1410-BTM
)	
Plaintiff,)	PRELIMINARY ORDER OF
)	CRIMINAL FORFEITURE
v.)	
)	
FERNANDO YEE ROSALES,)	
)	
Defendant.)	
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WHEREAS, in the Superseding Information in the above-captioned case, the United States sought forfeiture of all right, title and interest in specific properties of the above-named Defendant pursuant to 31 U.S.C. § 5332(a)(1) and (b)(2) as properties involved in and traceable to the offense to which Defendant is pleading guilty, as charged in the Superseding Information; and

WHEREAS, on or about July 14, 2011, the above-named Defendant, FERNANDO YEE ROSALES ("Defendant"), pled guilty to Count 1 of the Superseding Information, which plea included consent to the criminal forfeiture allegation pursuant to Title 31 as set forth in Count 1 of the Superseding Information; and

WHEREAS, on August 31, 2011, this Court accepted Defendant's plea (order filed September 2, 2011); and

WHEREAS, by virtue of the facts set forth in the plea agreement, the United States has established the requisite nexus between the forfeited properties and the offense; and

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1 WHEREAS, by virtue of said guilty plea, the United States is now entitled to possession
2 of said properties, pursuant to 31 U.S.C. § 5332 and Rule 32.2(b) of the Federal Rules of Criminal
3 Procedure; and

4 WHEREAS, pursuant to Rule 32.2(b)(3), the United States having requested the authority
5 to take custody of the following properties which were found forfeitable by the Court, namely:

- 6 a. \$175,531.00 in United States currency, and
- 7 b. One 2008 white Jeep Commander, VIN 1J8HH48K18C110311, CA license
8 number 6AHA800; and

9 WHEREAS, the United States, having submitted the Order herein to the Defendant through
10 his attorney of record, to review, and no objections having been received;

11 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

12 1. Based upon the guilty plea of the Defendant, the United States is hereby authorized
13 to take custody and control of the following assets, and all right, title and interest of Defendant
14 FERNANDO YEE ROSALES in the following properties are hereby forfeited to the United States
15 for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n):

- 16 a. \$175,531.00 in United States currency, and
- 17 b. One 2008 white Jeep Commander, VIN 1J8HH48K18C110311, CA license
18 number 6AHA800 .

19 2. The aforementioned forfeited assets are to be held by Immigration and Customs
20 Enforcement (ICE) in its secure custody and control.

21 3. Pursuant to Rule 32.2(b)and (c), the United States is hereby authorized to begin
22 proceedings consistent with any statutory requirements pertaining to ancillary hearings and rights
23 of third parties.

24 4. Pursuant to the Attorney General's authority under Section 853(n)(1) of Title 21,
25 United States Code, Rule 32.2(b)(3), Fed. R. Crim. P., and Rule G(4) of the Supplemental Rules
26 for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States forthwith shall
27 publish for thirty (30) consecutive days on the Government's forfeiture website,
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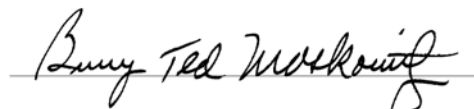
1 www.forfeiture.gov, notice of this Order, notice of ICE's intent to dispose of the properties in such
2 manner as the Attorney General may direct, and notice that any person, other than the Defendant,
3 having or claiming a legal interest in the above-listed forfeited properties must file a petition with
4 the Court within thirty (30) days of the final publication of notice or of receipt of actual notice,
5 whichever is earlier.

6 5. This notice shall state that the petition shall be for a hearing to adjudicate the
7 validity of the petitioner's alleged interest in the properties, shall be signed by the petitioner under
8 penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest
9 in the forfeited properties and any additional facts supporting the petitioner's claim and the relief
10 sought.

11 6. The United States may also, to the extent practicable, provide direct written notice
12 to any person known to have alleged an interest in the properties that are the subject of the
13 Preliminary Order of Criminal Forfeiture.

14 7. Upon adjudication of all third-party interests, this Court will enter an Amended
15 Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

16 DATED: September 28, 2011

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18 Honorable Barry Ted Moskowitz
19 United States District Judge
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